

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 1/26/04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT), CHRISTOPHER AND SUSAN STAGGS, APPLICANTS; OR
2. **DENY** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET; AND (2) (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT), CHRISTOPHER AND SUSAN STAGGS, APPLICANTS; OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #3, Van Der Weide)

(Francisco Torregrosa, Planner)

GENERAL INFORMATION	CHRISTOPHER & SUSAN STAGGS, APPLICANTS 3220 WALTON ROAD APOPKA, FL 32703	R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A DETACHED GARAGE, WHICH WOULD ENCROACH 16 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK AND 2.5 FEET INTO THE MINIMUM SIDE YARD SETBACK. • THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ○ NO SPECIAL CONDITIONS EXIST, WHICH ARE 	

	<p>PECULIAR TO THE PROPERTY OR PROPOSED DETACHED GARAGE.</p> <ul style="list-style-type: none">○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCES.○ THE REQUESTED VARIANCES WOULD BEGIN A TREND OF ENCROACHMENT INTO THE REAR AND SIDE YARDS WITHOUT THE DEMONSTRATION OF A HARDSHIP.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCES REQUESTED AND MAKE THE APPROPRIATE FINDINGS OF FACT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED DETACHED GARAGE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BV 2003-200

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** Rear yard setback from 30 feet to 14' for proposed garage addition

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Christopher & Susan Staggs</u>	
ADDRESS	<u>3220 Walton Road</u>	
	<u>Apopka FL 32703</u>	
PHONE 1	<u>407-324-0778</u>	
PHONE 2	<u>821-229-5047</u>	
E-MAIL	<u>Susan @ GrayandGreenfla.com</u>	

PROJECT NAME: Staggs Garage

SITE ADDRESS: 3220 Walton Rd Apopka, FL 32703

CURRENT USE OF PROPERTY: R-1AAA RESIDENCE

LEGAL DESCRIPTION: Lot 22, Islesdale Manor

Platbook 11 page 89

SIZE OF PROPERTY: 96x135 acre(s) PARCEL I.D. 18-21-29-504-0000-0220

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☒ NO LOCKED GATE CALL FIRE

This request will be considered at the Board of Adjustment regular meeting on 1-26-04 6PM.
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Christopher Staggs
SIGNATURE OF OWNER OR AGENT*

12-5-03
DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

SIDE (WEST) YARD SETBACK VARIANCE FROM
7.5' to 5' FOR PROPOSED GARAGE

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150⁰⁰

COMMISSION DISTRICT 3

FLU/ZONING R-1A / LDR

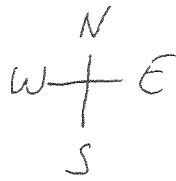
LOCATION FURTHER DESCRIBED AS ON THE SOUTH SIDE OF WALTON
RD. APPROX 1,300 FT (SOUTH ~~TO~~ EAST ON AVERY LN
THEN EAST ON WALTON RD) FROM THE INTERSECTION OF AVERY LN

PLANNER VB

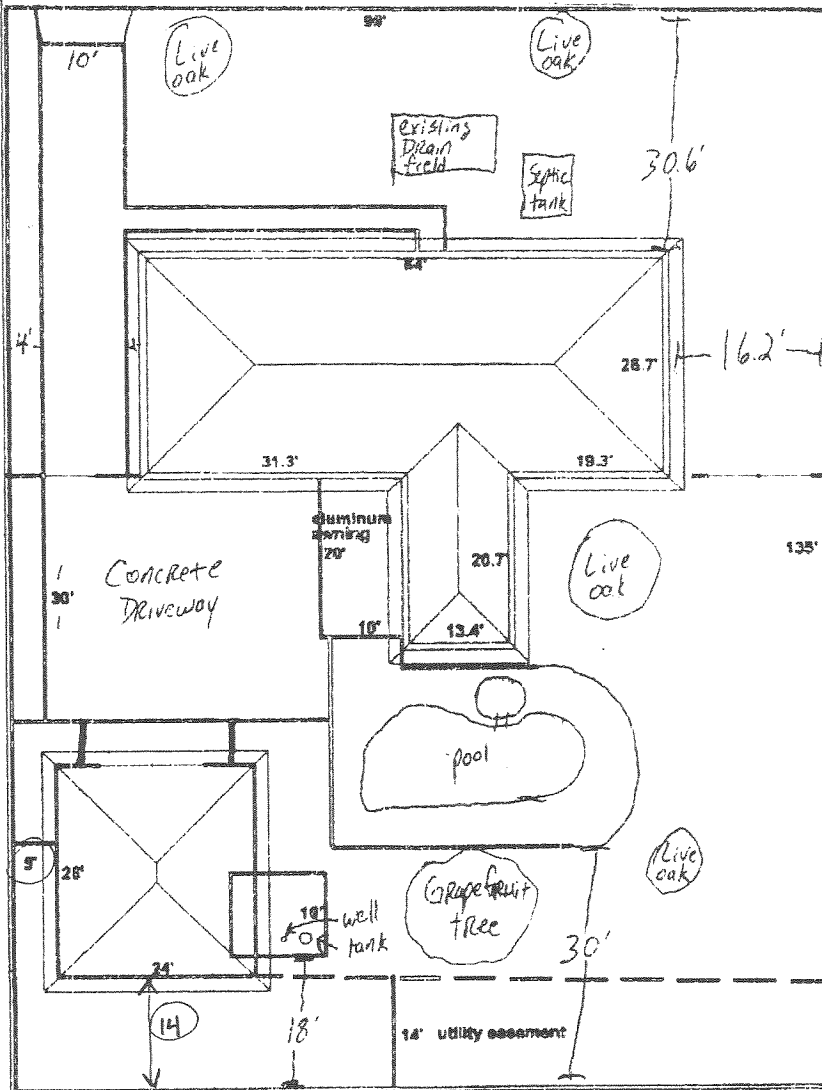
DATE DEC. 5, 2003

SUFFICIENCY COMMENTS

+ E SR 436



Walter Rd



PROPOSED GARAGE

Lot 3

Lot 21

PLAT OF SURVEY

DESCRIPTION LOT 22, ILESDALE MANOR

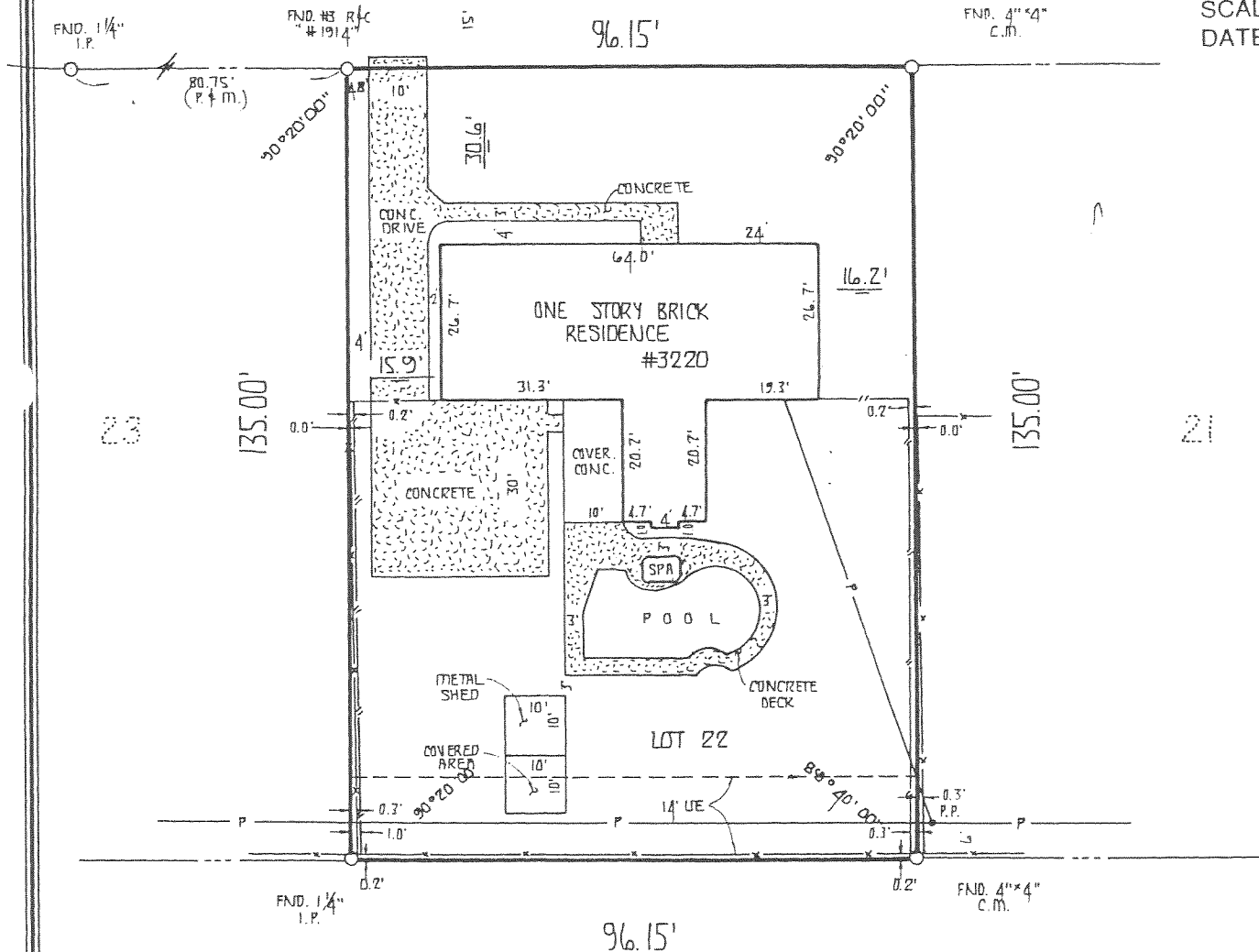
RECORDED IN PLAT BOOK 11 PAGE(S) 89
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

PURCHASER/MORTGAGOR has been made aware of any ENCROACHMENT (S) as reflected on this SURVEY, and hereby holds harmless CENTRAL FLORIDA TITLE CO., MORTGAGEE and SELLER from any loss or damage due to same

WALTON ROAD (50' R/W)

ASPHALT ROAD

SCALE 1" = 30'
DATE 7-9-97




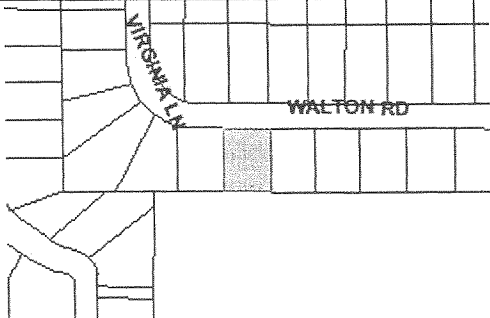

LEGEND

BLK = BLOCK
= BOUNDARY LINE
= CENTER LINE
= CHAIN LINK FENCE
CALC. = CALCULATED
C.B. = CONCRETE BLOCK
Ch. B. = CHORD BEARING
C.M. = CONCRETE MONUMENT
CONC. = CONCRETE
Δ = DELTA
D.E. = DRAINAGE EASEMENT
ELEV. = ELEVATION

P.C.C. = POINT OF COMPOUND CURVE
P.C.P. = PERMANENT CONTROL POINT
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.C. = POINT OF CURVE
P.O.L. = POINT OF LINE
P.P. = POWER POLE
P.R.C. = POINT OF REVERSE CURVE
P.R.M. = PERMANENT REFERENCE MONUMENT
P.T. = POINT OF TANGENCY
RAD. = RADIAL
RADIUS

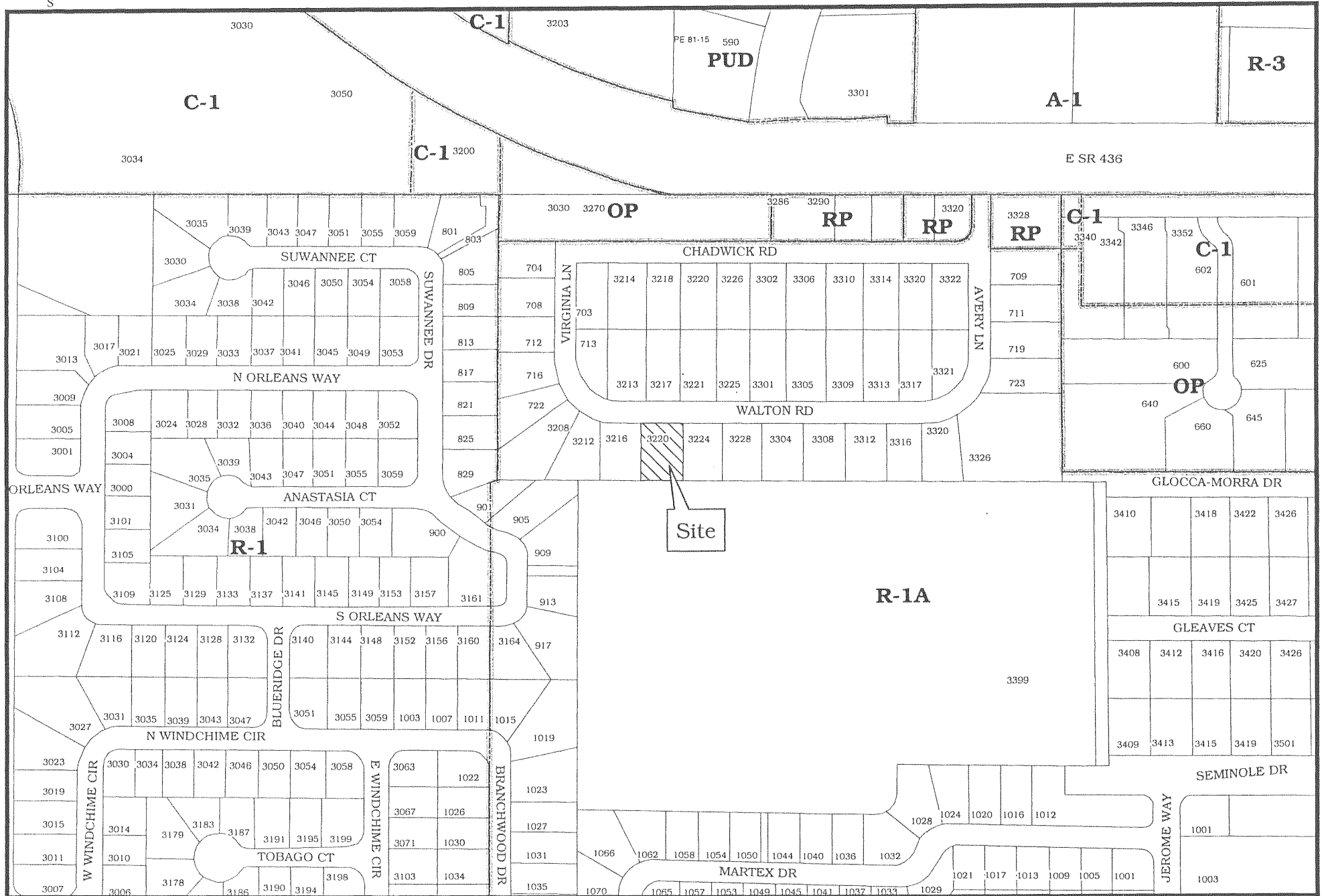
NOTES

THIS PROPERTY LIES IN ZONE "X"
PER F.I.R.M. COMMUNITY PANEL NO. 120285
OHS E DATED 4-17-95
BEARING STRUCTURE IS BASED UPON THE LINE DENOTED WITH "BB"
THIS BUILDING DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.
SURVEY BASED ON LEGAL DESCRIPTION SUPPLIED BY CLIENT.

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																				
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
GENERAL Parcel Id: 18-21-29-504-0000-0220 Tax District: 01-TX DIST 1 - COUNTY Owner: STAGGS CHRISTOPHER & SUSAN Exemptions: 00-HOMESTEAD Address: 3220 WALTON RD City,State,ZipCode: APOPKA FL 32703 Property Address: 3220 WALTON RD E APOPKA 32703 Subdivision Name: ILESDALE MANOR Dor: 01-SINGLE FAMILY				2004 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$79,259 Depreciated EXFT Value: \$9,121 Land Value (Market): \$18,000 Land Value Ag: \$0 Just/Market Value: \$106,380 Assessed Value (SOH): \$105,366 Exempt Value: \$25,000 Taxable Value: \$80,366																																					
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/1997</td> <td>03267</td> <td>1393</td> <td>\$87,500</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>06/1995</td> <td>02931</td> <td>0961</td> <td>\$78,100</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1994</td> <td>02873</td> <td>0506</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>12/1994</td> <td>02854</td> <td>0522</td> <td>\$78,400</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1987</td> <td>01915</td> <td>1391</td> <td>\$66,900</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	07/1997	03267	1393	\$87,500	Improved	SPECIAL WARRANTY DEED	06/1995	02931	0961	\$78,100	Improved	SPECIAL WARRANTY DEED	12/1994	02873	0506	\$100	Improved	CERTIFICATE OF TITLE	12/1994	02854	0522	\$78,400	Improved	WARRANTY DEED	12/1987	01915	1391	\$66,900	Improved	2003 VALUE SUMMARY Tax Value(without SOH): \$1,413 2003 Tax Bill Amount: \$1,335 Savings Due To SOH: \$78 2003 Taxable Value: \$77,896 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS	
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									



Christopher & Susan Staggs 3220 Walton Rd.



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 ILESDALE MANOR PB 11 PG 89

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: CHRISTOPHER AND SUSAN STAGGS
3220 WALTON ROAD
APOPKA, FL 32703

Project Name: WALTON ROAD (3220)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET; AND
2. (WEST) YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT),

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

The variance granted shall apply only to the proposed detached garage, as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: